

**Statement Of
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**Before the
Subcommittee on Public Lands and Forests
Committee on Energy and Natural Resources
U. S. Senate**

**July 16, 2008
Concerning**

**S. 3069: The Eastern Sierra and Northern San Gabriel Wild Heritage Act
H.R. 3473—Bountiful City Land Consolidation Act**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the Department of Agriculture's views on the Forest Service bills before you today: S. 3069: The Eastern Sierra and Northern San Gabriel Wild Heritage Act and H.R. 3473: the Bountiful City Land Consolidation Act.

S. 3069: The Eastern Sierra and Northern San Gabriel Wild Heritage Act

S. 3069 is a large and complex bill that would designate more than 470 thousand acres of new wilderness and about 52 miles of wild and scenic river. It would create a number of special management areas, and would establish specific management direction for wilderness areas designated under this Act. These designations would affect both National Forest System (NFS) and Bureau of Land Management (BLM) lands. Our discussion is focused on proposals involving NFS lands.

The Department supports many of the provisions of this bill, including much of the wilderness and wild and scenic river designations, as well as the attention focused on motorized winter recreation. However, we are unable to support all of the proposed designations because of various conflicting uses or because the areas do not meet the criteria established by the Wilderness Act of 1964 and Forest Service policy. Questions and concerns remain on some of the bill's provisions. One area of special concern relates to the clarity and technical adequacy of the maps that accompany this bill and has posed a challenge to our ability to understand the extent of the bill and assess implications regarding on-the-ground management of areas within, and adjacent to, proposed boundaries. We would like to work with the subcommittee and bill sponsors to address these and other outstanding issues.

Consistent with the Wilderness Act and National Forest Management Act, the Department supports wilderness designation for areas that are dominated by the forces of nature, and that offer outstanding opportunities for solitude or primitive and unconfined

recreation. The Forest Service engages the public in its land management planning process as a means of collaboratively developing wilderness recommendations. The Forest Plans for the three National Forests on which these designations would occur have informed our views on this legislation.

Proposed Wilderness Areas

Magic Mountain and Pleasant View Ridge

S. 3069 would designate 13,709 acres as the Magic Mountain Wilderness and 28,424 acres as the Pleasant View Ridge Wilderness in the Angeles National Forest, for a total of 42,133 acres of new wilderness. Because these areas were not recommended for wilderness in the Angeles National Forest Land and Resource Management Plan's 2005 Record of Decision, the Department cannot support their designation unless certain boundary adjustments and corrections consistent with the Forest Plan are made to address the issues listed below.

The Forest Plan allocated the majority of these acres (36,871) to Backcountry Non-motorized use. Backcountry nonmotorized areas are managed to meet the physical, managerial, and social settings consistent with the Recreation Opportunity Spectrum descriptions for semi-primitive non-motorized (SPNM) recreation. They provide a wide variety of dispersed recreation opportunities and settings. Natural processes are the primary agents for vegetative change, with vegetation management used only to protect the resource or complement the recreational value. To minimize potential conflicts, the continued use of the current Forest Plan designation remains appropriate, but the Department would not object to the designation by Congress of these lands as wilderness. The remaining acres are allocated to Backcountry Motorized Use Restricted (2,349 acres), Developed Area Intermix use (1,158 acres), and Critical Biological use (774 acres).

These Forest Plan land management designations accommodate several different uses within these areas that wilderness designation could potentially impact. There are four mining operations located in the proposed Magic Mountain Wilderness. In the proposed Pleasant View Ridge Wilderness, there are several linear special use permits, including water and electric lines that would require mechanical equipment to access and maintain, a developed trail camp that serves hikers on the Pacific Crest Trail, and active fuel reduction projects that provide defensible space in the wildland urban interface. To minimize these potential impacts, we suggest the continued use of the current Forest Plan designation remains appropriate.

If wilderness areas are designated on the Angeles National Forest beyond those recommended in the Forest Plan, we suggest the areas allocated as backcountry non-motorized use would be more suitable than the other areas. We would like to work with the subcommittee and the bill's sponsors to adjust boundaries to allow most current uses to continue.

Hoover East and Hoover West Additions on the Humboldt-Toiyabe National Forest

S. 3069 would designate a total of 76,982 acres of new wilderness on the Humboldt-Toiyabe National Forest in the following areas: 39,815 acres as the Hoover East Wilderness and 37,666 acres as the Hoover West Wilderness. A majority of these acres were recommended for wilderness designation in the Humboldt-Toiyabe National Forest Land Management Plan. Therefore we support their designation as wilderness, although we would like to discuss specific boundaries with the subcommittee that are consistent with Forest Plan recommendations. For example, the Hoover East Addition includes two large “cherry stem” wilderness exclusions, which are narrowly drawn corridors to exclude designated roads, travelways, or other areas from wilderness designation, and other boundary lines that do not coincide with the Forest Plan wilderness recommendations. We support the Forest Plan recommendations in their entirety.

Emigrant Wilderness Addition

S. 3069 would add approximately 251 acres of the Humboldt-Toiyabe National Forest to the adjacent Emigrant Wilderness, which is currently managed by the Stanislaus National Forest. This area is allocated as semi-primitive non-motorized recreation in the current Forest Plan. We oppose designation of this area as wilderness due to additional difficulties that we would anticipate in managing oversnow vehicle use, which is already difficult here because of the nature of the terrain and conflicts with motorized crossing of the Pacific Crest National Scenic Trail. We would like to discuss the management situation in this area with the subcommittee and the bill’s sponsors.

White Mountains Wilderness, Granite Mountain Wilderness, and Additions to the Ansel Adams, Hoover, and John Muir Wildernesses

Most of the lands that would be designated as wilderness by S. 3069, approximately 313,400 acres, are located within the Inyo National Forest. This includes 16,450 acres of an addition to the existing Hoover Wilderness (Hoover-Bighorn), 15,247 acres of the Owens River Headwaters to be added to the Ansel Adams Wilderness, and 79,850 acres to be added to the John Muir Wilderness. There are also two new wilderness areas designated by S.3069: White Mountains Wilderness (199,000 acres on NFS lands) and the Granite Mountain Wilderness (2,900 acres on NFS lands). The other portions of these proposed wilderness areas are located on lands administered by the BLM.

Several of these proposed designations were not recommended as wilderness in the Inyo National Forest Land and Resource Management Plan (Forest Plan), which was completed in 1988. The Inyo National Forest Plan recommended that approximately 172,600 acres be designated as wilderness, but not all of those acres coincide with the bill’s proposals. However, since the Plan’s approval in 1988, many of the issues, concerns, and conditions that informed the Plan decisions have changed, and merit reanalysis.

In this regard, the Department supports designation of those acres recommended for wilderness designation in the Plan. The Department prefers to address other areas in light of changes mentioned above within the context of a forthcoming revision of the Forest Plan, but would not oppose wilderness designation by Congress for most of the other proposed areas, if certain boundary adjustments and technical corrections are made and if issues that we identify today are addressed.

Within the White Mountains, the Forest Plan recommended 120,008 acres as wilderness. Subsequent to the Forest Plan decision, Congress designated approximately 10,000 acres of the White Mountains as the Boundary Peak Wilderness Area within the State of Nevada. S. 3069 would add an additional 89,000 acres within the White Mountains beyond the Plan recommendation. A majority of these additional acres in the White Mountains were identified in the Forest Plan for semi-primitive recreation which includes opportunities for motorized use on designated routes. The Inyo National Forest is currently in the planning process for designating routes through a travel management planning process which, depending on the final decision of the planning process, may or may not concur with the routes designated as “cherry stems” in S. 3069. We would like to work with the subcommittee and the bill’s sponsors to address concerns.

Motorized Corridors in Proposed Wilderness

Overall, we are concerned with the extensive use of “cherry stems.” The areas that would be designated in this bill include over 100 miles of “cherry stems” on NFS lands. In our view, it is important to maintain the integrity of wilderness by designating only those areas which are, as stated in the Wilderness Act of 1964 and in Forest Service policy, “dominated by the forces of nature”. Allowing for continued motorized use miles into a designated wilderness, even along designated corridors, can lead to motorized incursions from the roadways, noise, and other intrusions, complicating wilderness management. Consistent with relevant Forest Plans, we recommend that areas where motorized use is necessary for uses such as range management, hunting, undeveloped recreation, and forest administration be omitted from wilderness designation. Such adjustments would result in more manageable boundaries for any proposed wilderness.

Should this legislation move forward with the “cherry stems” as mapped and that are inconsistent with relevant Forest Plans, we would like to work with the subcommittee on establishing corridors wide enough to allow for proper maintenance. Many of these routes are within drainages that are prone to washouts necessitating rerouting or reconstruction. In addition, some of the boundaries are very close to paved high speed roads which incur a high level of use, as they provide access to popular recreation opportunities such as dispersed camping, hang gliding and technical rock climbing.

Within the Inyo National Forest, an additional 11 miles of “cherry stemmed” roads are within inventoried roadless areas and are not designated as National Forest System roads. We would like to discuss this situation and inconsistencies with the Forest Plan with the subcommittee and bill’s sponsors.

In addition, on the Inyo National Forest, approximately 32.3 miles of non-system routes as well as 1.1 miles of system road are not “cherry stemmed” but are within the boundaries of the proposed wilderness areas. These routes would require conversion to trails or decommissioning to protect resource values.

Wild and Scenic Rivers Designations

S. 3069 would designate approximately 26.35 miles of streams on NFS lands as part of the Wild and Scenic Rivers System; 19.1 miles of Owens River Headwaters on the Inyo National Forest and 7.25 miles of Piru Creek on the Angeles and Los Padres National Forests.

The Forest Service has not conducted a wild and scenic river suitability study for either of these rivers. The Forest Service did make a determination of eligibility. Of the Owens River Headwaters proposal, all of Glass Creek, the lower portion of Deadman Creek and the 1.0-mile segment of the upper Owens River were found eligible for the National Wild and Scenic Rivers System. Segments A, B and the majority of segment C of Deadman Creek, however, do not possess outstandingly remarkable values and were found ineligible. Consistent with these determinations, the Forest Service supports designation of the eligible river segments. While the Department prefers to address other areas in a manner consistent with relevant determinations, we would not oppose designation of the ineligible segments of Deadman Creek because of their contribution to protecting the Owens River Headwater’s outstandingly remarkable values while avoiding the creation of new management conflicts. We also wish to work with the subcommittee and the bill’s sponsors to clarify river classifications in this proposal.

Section 6 of the bill incorrectly references the Secretary of the Interior as the administrator for the Owens River Headwaters (#172). The bill should be revised to indicate the Secretary of Agriculture as the administrator.

The two segments of Piru Creek proposed in this bill are both eligible with an outstandingly remarkable value of geology. The Forest Service does not oppose this designation because it would have little effect on current and future resource management.

Ancient Bristlecone Pine Forest Designation

S. 3069 would designate approximately 28,991 acres of the Inyo National Forest as the “Ancient Bristlecone Pine Forest” to conserve and protect Ancient Bristlecone Pines.

This area contains groves of the oldest living trees in the world. We would like to work with the subcommittee on making minor boundary adjustments to add additional acreage to this proposal to ensure that all significant groves of ancient Bristlecone Pine are protected under this designation. The Department would support this designation if the bill is amended to remove the requirement in section 9(c) 4 for development of a new management plan for this area. As recognized in the bill, the 1988 Forest Plan provides

sufficient direction for protection of this area, and the requirement to conduct additional planning would require the redirection of funds currently directed at the management of these outstanding resources.

Bridgeport Winter Recreation Area

Section 7 of S. 3069 would create a new designation for approximately 7,680 acres of land on the Humboldt-Toiyabe National Forest called the Bridgeport Winter Recreation Area. The Department supports this designation based on an Environmental Assessment signed in 2005, which includes many of the same management prescriptions included in S. 3069. Accordingly, our support is contingent on amendment of the bill to remove section 7(d), which would require the Secretary to develop a winter use management plan. In addition, we are concerned about section 7(f), which would require the Secretary to establish a snowmobile crossing point along the Pacific Crest National Scenic Trail, and would like to discuss our concerns with the subcommittee and the bill's sponsors.

Management of "Area X", Humboldt-Toiyabe National Forest

Section 8 of S. 3069 would designate approximately 3,200 acres referred to as "Area X" as a snowmobile use area. The Department would not oppose this designation if the language is amended to clarify that summer motorized travel will be restricted in "Area X", a management prescription that currently applies to only a portion of the surrounding area.

Other Management Considerations

Outfitting and Guiding and Pack Station Considerations

We are concerned about the potential impact that the proposed designations may have on existing outfitting and guiding and pack station operations on the Inyo National Forest and wish to advise Congress of these potential impacts prior to its enactment of designations. Without specific language to clarify the intended purposes of the proposed additions to the John Muir, Ansel Adams, and Hoover Wilderness areas, the proposal could directly affect the amount and location of existing commercial uses in these additions.

Each of these wilderness areas has specific quotas on recreational use and, in some cases, court-ordered restrictions that could apply to the additions in the absence of explicit language to the contrary. For instance, the Inyo and Sierra National Forests are currently required by a court order to limit commercial pack stock operations in the John Muir and Ansel Adams Wilderness Areas. Many of the commercial services in these wilderness areas that were intentionally directed to non-wilderness areas to reduce impacts on the wilderness areas would now be included in these proposed wilderness designations. Unless the bill would allow continuation of authorized outfitting and guiding that are currently conducted on lands that would be added to these wilderness areas, the number

of service days allocated for outfitting and guiding on those lands would have to be reduced, per the court order.

Section 4(j) of the bill may have been intended to address the foregoing concern. However, we believe additional clarification is needed. We would like to work with the subcommittee and the bill's sponsors to address these issues.

Management of Research Natural Areas

There are three Research Natural Areas (RNAs) within the boundaries of wilderness areas proposed by this bill: Harvey Monroe Hall RNA (Hoover-Bighorn Additions), McAfee Meadows RNA (White Mountains), and White Mountains RNA (White Mountains).

RNAs are administratively designated areas within national forests to be permanently protected and maintained in natural condition for the purposes of maintaining biological diversity, conducting non-manipulative research and monitoring, and fostering education. RNAs help preserve our Nation's natural heritage for future generations. The protection afforded to RNAs is a critical step in maintaining a range of biological diversity of native ecosystems and species. Because they are protected in a natural state, RNAs also provide valuable opportunities for monitoring of long-term ecological change, and comparison of the effects of resource management activities against unmanaged controls.

RNAs that are representative of common ecosystems in natural condition serve as baseline or reference areas for those ecosystems. Each RNA can have its own public use restrictions in order to protect its unique condition. These may be more restrictive than what is normally allowed in designated wilderness, such as prohibiting overnight camping. We will continue to address RNA management needs through our Forest Land Management Planning process.

Administrative Jurisdiction of Wilderness Areas

S. 3069 would designate as wilderness several areas of BLM lands that are contiguous to much larger areas of NFS lands with existing wilderness. The proposed John Muir Wilderness additions include five small BLM parcels totaling approximately 780 acres. The proposed White Mountains Wilderness includes five small BLM parcels totaling 1,200 acres on the western edge of the proposed wilderness. To ensure efficiency and consistency in wilderness management, it may make sense to transfer the administrative jurisdiction of these small parcels from the Secretary of the Interior to the Secretary of Agriculture and exclude the proposed 22,300 acre area on the eastern edge. We would also propose transferring administrative jurisdiction over the 2,700 acres of NFS lands in the proposed Granite Mountain Wilderness to the Secretary of the Interior to improve management over these small parcels. We would like to further discuss this idea with the subcommittee.

Map Concerns

The Department has many concerns regarding the maps that are referenced in the legislation. In general, the maps are difficult to understand and are technically inadequate due to gaps in the Geographic Information System data and improper labeling. Because they are vitally important to our on-the-ground management and implementation of Congress's direction, we would like to work with the subcommittee and bill sponsors to ensure the maps are adequate.

Summary

In summary, the Department supports the many aspects of S. 3069 that are consistent with relevant Forest Plans and which would add outstanding landscapes in the eastern Sierra of California to the Wilderness Preservation System. As I have testified before, the Forest Service has always been a champion of wilderness. We care about maintaining the integrity of wilderness areas as places that are dominated by the forces of nature, and that offer outstanding opportunities for solitude or primitive and unconfined recreation. For those reasons, we would like to work with the subcommittee and the bill's sponsors on our many specific concerns.

H.R. 3473—the Bountiful City Land Consolidation Act.

When the Bountiful City Land Consolidation Act was considered before the Subcommittee on National Parks, Forests and Public Lands of the House Natural Resource Committee, the Department testified in support of enactment of H.R. 3473. The Department offered a number of amendments regarding mostly minor technical issues. The Department continues to support the concept of a bill as embodied by an amended H.R. 3473 that would authorize an exchange of urban interface lands which may be more appropriately managed by Bountiful City for lands in the watershed above the City, and would authorize the Secretary to retain and expend funds received by the Secretary for the conveyance in order to acquire additional land or interests in land to be included in the Wasatch-Cache National Forest.

However, the bill that passed the House, and that is under consideration by the subcommittee today, is different from the bill we previously testified upon in a number of significant ways. As written, the current bill does not reflect a number of provisions that are needed for the Department's support. I will address the most important of these with you today.

The bill that was introduced in the House and the bill under consideration today, H.R. 3473 would provide for the conveyance of up to 220 acres of an "urban" parcel of National Forest System lands adjacent to Bountiful City, Utah in exchange for 1,680 acres of environmentally significant headwater lands, interior to the National Forest, to be included within the Wasatch-Cache National Forest. This exchange of land could

benefit both Bountiful City and the National Forest System by consolidating land ownership if exchanges by the parties reflect equitable values.

The bill as introduced in the House would have provided for the following: 1) an equal value exchange of land between the Forest Service and Bountiful City and the authority for the Secretary to accept, if necessary, a cash equalization payment in excess of amounts authorized under current law; 2) a requirement that the portion of the parcel containing the shooting range be conveyed first; 3) the authority for the Secretary two years after the date of enactment, to dispose of any remaining portion of the National Forest System parcel by competitive means; and, 4) the authority for the Secretary to collect funds resulting from the conveyances under the bill, to be used for National Forest purposes, including acquisition of lands on the Uinta and Wasatch-Cache National Forests.

Technical amendments suggested by the Forest Service to Committee staff included: 1) a provision to require the City to assume all liability for the shooting range located on the parcel to be conveyed and the past, present, and future condition of the land upon which the shooting range is sited; and 2) a provision to provide for an easement for the Bonneville Shoreline Trail and to provide for other outstanding rights.

Both the bill as passed in the House and before you today would provide for an equal value exchange of land between the Forest Service and the City of Bountiful, and subsequent conveyance of the remaining federal land, should certain conditions be met. These provisions would benefit the National Forest System by providing the agency with the authority to convey whatever portion of the isolated parcel of National Forest System land that may remain and to collect the funds for acquisition of lands to be included in the Wasatch-Cache and Uinta National Forests.

However, under this bill, the Secretary would not be authorized to accept a cash equalization payment in excess of the 25 percent limit authorized by section 206(b) of the Federal Land Policy and Management Act (FLPMA). A consultation conducted recently indicates that the value of the Federal parcel will exceed the value of the Bountiful City lands and the 25 percent threshold. Thus a cash equalization payment is likely to be necessary in order to reflect exchanges by the parties that are of equitable value. It is unlikely that the Forest Service and Bountiful City would meet their respective land adjustment and consolidation goals without a provision for a cash equalization payment in excess of the 25 percent limit and thereby protect Federal taxpayer interests, so the Department is unable to support the removal of this provision from the bill.

Further, the Department requests that the bill language clarify that the conveyance of the remaining federal land may be achieved through competitive sale or direct sale. Without the sale provision, the Forest Service would have limited authority to convey a remaining parcel of National Forest System land. This provision would aid in managing the National Forest as it would eliminate the need for the Forest Service to manage an

isolated and fragmented parcel of land and would more effectively marshal sale proceeds for the acquisition of lands or interests in land on the Wasatch-Cache National Forest.

The bill would require an amendment to the Forest Plan and a public process consistent with the National Environmental Policy Act of 1969 if the Secretary disposes of land identified for possible conveyance and not exchanged under section 2(a) of the bill. While the Forest Service is committed to undertake an environmental analysis, the agency would prefer to retain the flexibility to perform the analysis at the most appropriate level.

This bill currently includes a provision to provide for an easement for the Bonneville Shoreline Trail and to provide for other outstanding rights. However, it does not include a provision requiring the City to assume the liability for the shooting range and the past, present, and future condition of the land upon which the shooting range is located. This is a critical concern for the Department.

In summary, the concept embodied in this exchange is one the Department supports. Exchanging a heavily used urban parcel containing a shooting range to the City for 1,680 acres on the mountainside above the City plus the ability to purchase additional lands has great merit. Our concerns are in the details of liability as related to the disposition of the shooting range, cash equalization, and streamlining the administrative and analysis process for both parties.

This concludes my prepared statement and I would be pleased to answer any questions you may have.